

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 3:21 CV 663
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Ma'Qual T. Cobb (b) 49057
(Name) (Inmate number)
(c) 2402 Godwin Blvd
(Address)
Suffolk, VA. 23434

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) MR. Walker (b) Ofc / Officer Booking
(Name) (Title/Job Description)
(c) 2402 Godwin Blvd
(Address)
Suffolk, VA. 23434

2. (a) _____ (b) _____
(Name) (Title/Job Description)

(c) _____
(Address)

3. (a) _____ (b) _____
(Name) (Title/Job Description)

(c) _____
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [☒] No [☐]

B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) Medical Nurses at Portsmouth city jail

Defendant(s) Me, Ma'Quan Cobb

2. Court (if federal court, name the district; if state court, name the county):

Eastern District of Virginia

3. Date lawsuit filed: 08/16/2020

4. Docket number: N/A

5. Name of Judge to whom case was assigned: can't remember

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?) :

Dismissed due to failure to pay a filing fee.

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

Western Tidewater Regional Jail

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No []

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☒] No []

2. If so, where and when: 9-18-21, 9-20-21, 9-28-21, 10-7-21, All here at W.T.R.J.

3. What was the result? They said they couldn't sign them the Capt has to then send me my copies, I never received any thing back yet still.

4. Did you appeal? Yes [] No [☒]

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No []

If your answer is Yes, what steps did you take? I wrote multiple Request forms

about the situation's letting Sgt's, Lt's an higher ups know I need to speak to them. They all said nothing they can do.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

on 9-16-2021 ofc walker came into D-2 Pod laughing and playing he wasn't assigned to this Block at all. But out of no where he started wrestling for no reason so I put my hands up. I stated he won then he told the ofc assigned to DBlock we were playing. He left out told me to put my shoes on then came back 5 or 10 minutes later and did the something but this time he was serious hitting & choke me to the point I stated I couldn't breath multiple times. He kept going an Officer passing by seen what was happen an called a Code thinking I did something wrong. Even tho they dropped everything against me im still having pain in my wrist, neck, spine, kidney and some nights can't sleep from Nightmares. Thinking that something else might happen to me again, or worse they might kill me. Everytime I see or around an officer I get scared or they put hard cuffs on me I get scared. Physically & Mentally im drained and also in fear from still on going harassment from him and his fellow officers.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. MC (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 5,000,000
- ☐ Grant injunctive relief by _____
- ☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

N/A

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 12 day of October, 2021.

Plaintiff Ma'Quel Cobb